

## KILNINVER AND KILMELFORD COMMUNITY COUNCIL

The meeting of the above council was held on Tuesday 14<sup>th</sup> February 2012 at Kilmelford Village Hall.

**Present:** Nigel Mitchell (NM) Chair, Antoinette Mitchell (AM) Planning Officer, Lucy Files (LF) Secretary, Matthew Anderson (MA), Vice Chair & Treasurer, Stuart Cannon (SC) Assistant Vice Chair, Sarah Edwards, Peter Hammick

Also in attendance were Councillors Elaine Robertson (ER Cllr ABC) and Louise Glen-Lee (LG-L Cllr ABC) and 30 members of the public.

**Not Present:** John MacLean, Colin Clark

**Minutes of the previous meeting:** All present were given the opportunity to read through the draft minutes of the previous meeting held on 3<sup>rd</sup> January 2012. The minutes were taken as a true and accurate representation of the meeting and approved. Proposed MA, seconded SC

### **Declaration of Interest**

No conflict of interest or involvement with any items on the Agenda was declared.

### **MATTERS ARISING**

#### **1. Ardmaddy Fish Farm**

Mr Ewan Kennedy (EK) gave an update on the present situation as follows:

At a meeting six months ago Lakeland Marine said it would put down proposals in a written document. This was responded to by objectors who formed a campaign group in September 2011. Lakeland Marine has not yet made any further comment.

The planning application can be viewed on the Argyll and Bute Council (ABC) website. There is also information on the site <http://www.saveseilound.org.uk/>.

Notice of the application to SEPA for a discharge consent will be published shortly in The Oban Times (*addendum – this notice appeared in Edition 8083 on Thursday 23<sup>rd</sup> February*)

Once these advertisements appear, those wishing to do so should make their representations to the relevant agency. If members of the public log on to the SEPA website the documents submitted by Lakeland relevant to the discharge consent should be there. These contain a great deal of scientific information.

Lakeland Marine has agreed voluntarily to put the application on hold until SEPA has concluded its scientific report.

EK is happy to keep anyone who provides him with an email address abreast of developments. NM has contact details for SEPA .

#### **2. Community Action Plan (CAP)**

AM has forwarded an article to Kilninford News outlining the CAP. KKCC cannot action the CAP

#### **3. Kilmelford Speed Limit**

NM has had a letter from ABC regarding the speed limit through Kilmelford. The letter stated that the speed limit through the village is to be reduced from 40 mph to 30 mph. The restricted area proposed for this reduction is the same as it is currently and will be published for public consultation. The Chair asked for a show of hands from the floor in favour of and against this reduction. Nobody opposed the reduction. It was requested if the restricted area covered by the speed limit be extended to 50 metres south of the Degnish Road access and also along the Degnish Road to 30 metres past the Village Hall. The Secretary is to draft a letter to ABC to this effect.

Concerns were raised about the spread of street lighting in line with the reduction in speed limit. It was pointed out that street lighting is not mentioned and the only issue being dealt with is the speed limit.

#### **4. KKCC Purchase of Printer**

KKCC decided to purchase a HP Office Jet Pro printer model number 8500A. This is an inkjet as opposed to a laser but it is a multi-function unit, the cost per page is very competitive and cheaper than some lasers, it has duplex printing capacity and retails for between £140 and £160. This printer was unanimously approved for purchase by the KKC Councillors present.

## **PLANNING APPLICATIONS**

12/00175/PP Allt Na Crioich Alterations and extension to dwelling house  
 11/02566/PP Land west of Hill House site for erection of dwelling house  
 12/00016/PP Ardenstuir Erection of extension to form office / store  
 11/02567/PP Land east of Hill House site for the erection of dwelling house  
 11/02567/PP Arduaine Farm Erection of 11kw wind turbine  
 11/02447/PP Clachan Wind Farm comprising of 9 turbines and compound

### **GLEN LONAN WIND FARM**

KKCC is a consultee but not a statutory consultee for this application. The statutory consultees are Oban, Kilmore, Connel and Taynuilt.

As a consultee KKCC can write in support of or objecting to this application.

Mr Jeremy Church spoke on behalf of those in the population of Glen Lonan who are against the erection of this wind farm. Items of greatest concern to this population were outlined as: the sheer size of the proposed turbines and their inevitable impact on the landscape; the upheaval and disruption this installation would cause; concerns voiced in a meeting at Kilmore that Glen Lonan would become "Wind Farm Creek". It was pointed out that the population of Glen Lonan is very small and would greatly value any support for their objections.

After a general discussion it was decided that KKCC should support the community most affected by this wind farm which, in this case, is Taynuilt. It was pointed out that each application should be looked at on its own merits and particular weight should be given to what local people want. At the time of this meeting this issue has yet to come before Taynuilt CC but it is known that a letter has been written to voice concerns about servicing needs and the increased traffic through the village. The matter of Glen Lonan Wind Farm is to come before Taynuilt CC at its next meeting which is to be held on Monday 20<sup>th</sup> February

It was decided that there will be no action from KKCC until we know the outcome of Taynuilt CC's meeting regarding this issue. It was suggested, to this end, that KKCC should ask for a copy of Taynuilt CC's Minutes of this meeting.

It was suggested that ABC be asked to develop a coherent plan for wind farm developments. It was pointed out that areas for wind farms are shown in the current Local Plan but this does not stop individuals putting forward plans for their own wind farms.

### **CLACHAN WIND FARM**

NM informed those present that the application is now live. It is classified as a normal planning application so KKCC has 21 days from validation to lodge an opinion. The application was validated on 6<sup>th</sup> February.

A flier regarding the proposed wind farm was approved by KKCC and has been distributed throughout the community via the postal service. Some members of the public stated that they had not received it. At the time of this meeting phone calls in response to the flier are coming to the Chair. It was decided to make Monday 20<sup>th</sup> February the cut-off date for taking phone calls on the matter to allow time for a letter to be written and posted within the statutory period.

It was decided that KKCC needed a meeting to look at the application in detail and that a further public meeting should be held for the purpose of hearing the opinions of the community. It was pointed out that the application should be looked at in the light of whether, in this particular location a wind farm of this size and specification is right for the community it will impact on. The application should not be looked at in the wider context of the general pro/con windfarm debate. It was agreed, furthermore, to take note of what Seil Community Council decides regarding this application.

Concerns were raised about the accuracy of the flier. The author, AM, defended the representations made stating that most of the facts were drawn from information provided by the landowner/developer, Mr Rory Young. The Chair then terminated debate on this subject.

Possible dates were discussed for detailed review of the planning application by KKC Councillors and the ensuing public meeting. It was decided to arrange this after further consultation with all KKC Councillors, some of whom were not present at this meeting. Members of the public were urged to look at the plans which are on public view at Balvicar Post Office and at Dalriada House in Lochgilthead. ABC Councillor Louise Glen-Lee said she would request a copy for the Oban ABC Office as well.

## CORRESPONDENCE

NM has received notification that The Shower of Herring has applied to extend its licence from 23.00 hours to 24.00 hours.

### Letter from Mr Ewan Kennedy regarding land adjacent to Village Hall

NM has received an email from Mr Ewan Kennedy (EK) raising a number of concerns about the proposed PDA and development of the land adjacent to the Village Hall. The principal points were:

1. Concern that KKCC is exceeding its remit by applying for a PDA and, thereby, apparently supporting a speculative housing development.
2. A belief that the matter had been resolved previously and was now being resurrected
3. Merits of the proposal per se
4. Threat that land would be sold to MacLeods

Before responding to the points of concern NM raised a point that he, himself, took issue with, namely that the email in question was addressed to him and his wife, AM, by name rather than being addressed to them as office bearers on the Community Council. The email had also been forwarded to a number of individuals on a mailing list and it was thus felt that the email savoured somewhat of a personal attack although EK responded that this had not been his intention.

It was decided and then requested of the community that any correspondence in connection with KKCC be sent to the Secretary or, at the very least, address Community Councillors by title. It was also pointed out that KKC Councillors should be given a chance to respond to any such communications prior to distribution to the wider community.

### ANSWER TO POINT 4 (MAY NEED TO BE AN ADDENDUM AT THE END OF THE MINUTES)

1. The Chair has consulted ABC Department of Governance and Law and can confirm that KKCC is not acting in any way beyond its remit or illegally. KKCC is not acting as a proxy for the developer. KKCC has been invited by ABC to apply for PDA for a piece of ground which is entirely consistent with the local plan.

2. This is not a resurrected debate over an old application. This is a new application and must be dealt with. In previous years the landowner had approached KKCC and a previous application went to PPSC before being rejected in 2009. KKCC was informed of this but was asked by ABC whether the community wanted to try again for a PDA the benefit of which would be the securing of the land around the hall as community property. KKCC decided that it still wanted to persevere with an application for a PDA to gain the land surrounding the Village Hall for the community.

NM took advice from Richard Kerr and Fergus Murray in the Planning Department ABC when the application was first submitted and the following recommendation was made: For the proposed PDA to be of community benefit, subject to PDA status being granted the community should gain ownership of half of the land in question plus a fund of £75 000.

The PDA stipulates that only 5 houses are to be erected on the land in question within a restricted area so as not to obscure the cairn that is on the land in question. The landowner/developer has agreed to this proposal

The land and fund will be made over to the community consequent upon the PDA being granted and not consequent upon planning permission for the proposed houses being granted.

3. An application for a PDA identifies an area suitable for planning. If the land adjacent to the Hall is allocated as a PDA **only** the area for proposed housing development would be thus designated. The land granted to the community would **not** be designated a PDA. Development would be restricted to 5 houses only and each property would be subject to a planning application. As a community council we would have the right to object to the individual planning applications if this were thought to be necessary. The merits of the proposal are that the community would gain a substantial area of land around the Village Hall, the Cairn would be protected and building would be tied to a restricted area and the community would also be allocated a fund of £75 000 by the landowner/developer. It was stated that it will be necessary to tie the landowner into honouring his commitment.

4. If the current application is rejected this rejection does not confer protected status upon the land in question. At the present meeting it was acknowledged within the community that this land has been under consideration for development for many years. KKCC is of the opinion that designation of the ground as a PDA would give the community considerable power and input regarding the scope, nature and style of any development of the ground while securing substantial piece of ground and a fund for the community. The point being made at the previous meeting was that this is a piece of ground with considerable appeal for housing development. Without the protection afforded to the community by a PDA there is still the possibility of submission of further planning applications for houses. If the current application is rejected this does not confer protected status upon the land in question. It is entirely possible that the field in question could be sold and it is not out of the question that the ground be considered, in future, by a big developer such as MacLeods for a large-scale development with no benefit to the community.

### **ANY OTHER COMPETENT BUSINESS**

#### **Database**

A member of the public offered to compile a database to pass to the Secretary for the purpose of disseminating notifications on community matters. KKCC expressed appreciation of and willingness to accept this offer but concerns were raised about Data Protection. It was agreed to check up on KKCC's Data Protection cover before proceeding with this offer.

#### **Clearing of Degnish Road**

It has not yet been confirmed whether Colin Clarke is on an official retainer with ABC to carry out this work. Concerns were also raised that users of the Degnish Road are not using the appropriate passing places. It was asked whether this could be enforced in any way. It was agreed that this is a matter for ABC Cllr Duncan MacIntyre.

#### **A816 deteriorating**

Concerns were also raised about the deteriorating conditions of the main A816 north of Kilmelford at the southern end of Lochan Druiminen .

#### **Bus Shelters**

It was clarified that the bus shelters were gifted by High Trans and there are no replacement parts. MacLeods have repaired one panel and a second panel is on its way.

### **DATE OF NEXT MEETING**

The next meeting of Kilniver and Kilmelford Community Council will be held at Kilmelford Village Hall on Tuesday 10<sup>th</sup> April 2012 at 8.00pm. The Chair (NM) thanked all present for attending. There being no further business to discuss the meeting closed at 10.00pm.